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Jury Empaneled for Emigres' Trial on Spy Charges

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LOS ANGELES, March 20 — A jury was empaneled today for the espionage trial of two Russian émigrés after a screening process in which questions of the influence of pretrial publicity were overshadowed by questions about the right of immigrants to be vocally critical of America.

One man, after being seated today as a potential final juror, told the judge of his fears that he might not be impartial because "I have a concern and a deep feeling about anyone accused of being disloyal to this nation."

The judge, David V. Kenyon Jr., had instructed the prospective jurors to consider carefully whether they could be fair, since the crime alleged was espionage and the defendants "from a country where we've had lots of problems."

Jurors Are Not Identified

A jury pool of 175 prospective jurors was evaluated by means of a 32-page, 74-question questionnaire that included questions about their exposure to publicity on the case and about their views on "immigrants rights." About three-dozen of the jury candidates were further interviewed by Judge Kenyon in the presence of the defendants and their attorneys, a process that ended in

selection of the jury, six men and six women.

The identity of the potential jurors was not disclosed; they were addressed by number only.

Most of the jury candidates said they had given little more than passing attention to publicity on the case.

Defendants Known as Outspoken

The most attention in the interviewing was given to replies to the question, "What views, if any, do you hold concerning immigrants to this country who openly criticize the American government?"

A woman in her 30's gave her written reply in five words, "Love it — or leave

it." The punctuation was supplied by the judge, who read the answer from the bench.

The issue has emerged because the defendants, Svetlana and Nikolay Ogorodnikov, were known to their acquaintances as being outspokenly pro-Soviet and critical of the United States. They are accused of conspiring with Richard W. Miller, a counterintelligence agent with the Federal Bureau of Investigation, to pass national security secrets to Soviet intelligence agents.

Mr. Miller will be tried separately. If convicted, all three could spend the rest of their lives in prison.

Opening arguments in the Ogorodnikov's trial, which is expected to last about 6 weeks, will be delayed until about April 3 because of other court matters. Judge Kenyon has also scheduled a hearing for March 29 on a motion

by Mrs. Ogorodnikov to prevent the Government from presenting evidence that she contends is irrelevant and would be prejudicial, such as information on any trips she has made to the Soviet Union since immigrating here.

Jury questionnaires have been used in several recent cases here, including the trial of John Z. DeLorean on cocaine charges. However, Judge Kenyon did not permit the lawyers to question the jury candidates directly, doing that himself.

The woman who had responded "Love it — or leave it" on her questionnaire said her grandfather and grandmother had immigrated to America from Portugal and Spain in the midst of civil war. She seemed to soften her position when speaking to the judge. She said that although she might not like hearing criticism of this country,

immigrants "can say what they like here, because we have freedom of speech."

The questionnaire also asked the candidates such questions as whether they had any knowledge of espionage methods and activity, whether they or their relatives had ever attended a diplomatic social function at which Soviet bloc diplomats were present, and whether they had any relatives or friends living in the Soviet bloc. They were also asked whether they had ever applied for or been denied a security clearance, and why.